

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JEREMIAH F. HERBERT,

Plaintiff,

v.

WARDEN HAROLD L. SMITH, et al.,

Defendants.

ORDER

20-CV-06348 (PMH)

PHILIP M. HALPERN, United States District Judge:

Plaintiff filed, on August 10, 2022, his sixth application requesting that the Court appoint *pro bono* counsel. (Doc. 121). Plaintiff's prior requests were denied because the Court determined, after application of the factors set forth in *Hodge v. Police Officers*, 802 F.2d 58 (2d Cir. 1986), that Plaintiff had not made the requisite showing to demonstrate that the appointment of *pro bono* counsel was appropriate and/or that Plaintiff's request was premature. (See, e.g. Doc. 111 at 2-3). The Court's most recent decision on *pro bono* counsel denied Plaintiff's request "without prejudice to renewed application later in the case." (Doc. 111 at 3).

The procedural posture of this case has not changed since Plaintiff's prior request was denied, which also occurred in the midst of discovery, and Plaintiff's sixth application for *pro bono* counsel is likewise denied without prejudice to renewing at a later stage of the litigation. There is a case management conference scheduled for March 22, 2023, at which time Plaintiff may again make a request for *pro bono* counsel to assist with preparing for summary judgment.

CONCLUSION

Plaintiff's application for *pro bono* counsel is denied without prejudice. The Clerk is directed to mail a copy of this Order to Plaintiff at the address provided on the docket and to terminate the motion sequence pending at Doc. 121.

Dated: White Plains, New York
September 29, 2022

SO ORDERED.

A handwritten signature in black ink, appearing to read 'PHM', is written over a horizontal line.

Philip M. Halpern
United States District Judge